

**AGRICULTURAL & FORESTAL DISTRICT-5-86. Barnes Swamp 2010 Renewal.****Staff Report for the September 1, 2010 Planning Commission Meeting.**

*This staff report is prepared by the James City County Planning Division to provide information to the AFD Advisory Committee, Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.*

**PUBLIC HEARINGS**

AFD Advisory Committee	August 23, 2010	4:00 p.m.
Planning Commission:	September 1, 2010	7:00 p.m.
Board of Supervisors:	September 28, 2010	7:00 pm (tentative)

**Building F Board Room; County Government Complex****SUMMARY FACTS****Owners**

	<b>Parcel Number</b>	<b>Acres</b>
SD & SKI, LLC	0310100001 .....	108.47
Jane B. Farmer & Betty B. Rady	0310100002 .....	64.00
Katherine L. Hockaday	0310100003 .....	65.26
Alvin Beahm	0330100003 .....	70.00
Alvin Beahm	0330100004 .....	70.00
Arline H. Bowmer	0330100006 .....	96.75
Arline H. Bowmer	0240100012 .....	62.19
Martha W. McMurrin & SWR-Misc, LLC	1010100001 .....	61.61
Charles Douglas Harwood	0320100001 .....	43.52
Estate of Mick Zuzma	0320100002 .....	13.85
Estate of Mick Zuzma	0320100002A.....	17.20
Betty L. Johnson & Lynne J. Fischer	0320100003 .....	19.07
Betty L. Johnson & Lynne J. Fischer	0320100003A.....	93.98
Robert Michael Dzula	0320100004 .....	28.07
John A. Richardson	0410100005 .....	42.00
John A. Richardson	0410100006 .....	10.00
H.P. & Mary Hazelwood	0420100008 .....	227.98
Cherri U. Spellmeyer	0420100014 .....	134.00
Pamaka, LLC	0430100015 .....	21.99
Pamaka, LLC	0430100016 .....	52.00
Frances Isabell Woodard	0920100001 .....	114.58
Alex Lamar Penland	0240100029 .....	55.90
Donald A. Hazelwood	0420100020 .....	112.44
Donald A. Hazelwood	0420100018 .....	3.46
Donald A. Hazelwood	0440100001 .....	6.11
John P. Latoski Trustee	0310100001B.....	10.23
Dennis Wayne Leonituk, Jr.	0310100001A.....	10.00
Pamaka, LLC	0430100014A.....	1.34

TOTAL ..... 1,616.1

**Zoning:** A-1, General Agriculture

**Comprehensive Plan:** Rural Lands and Conservation Area

**Primary Service Area:** Outside

### **STAFF RECOMMENDATION**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Barnes Swamp Agricultural and Forestal District for a period of four years, subject to the enclosed conditions.

At its August 23, 2010 meeting, the AFD Advisory Committee voted 9-0 to recommend approval of this application.

**Staff Contact:** Kathryn Sipes, Senior Planner

Phone: 253-6685

### **SUMMARY**

As required by State Code, the County must review all established Agricultural and Forestal Districts (AFD's) prior to their expiration. During this review, districts must be continued, modified, or terminated. This report will review AFD-5-86, Barnes Swamp, which is scheduled to expire October 25, 2010.

### **DISTRICT HISTORY**

The District was approved on December 1, 1986 for a term of four years. One 114-acre parcel, (9-2)(1-1), was added in 1987. It was renewed for a period of four years by the Board in October 1990. One addition to the District of 60.7 acres was approved by the Board in February 1991. The AFD was renewed again on October 19, 1994. The Board of Supervisors approved an addition of 127.36 acres on July 8, 1997. It was renewed for a period of four years by the Board in September 1998, with the withdrawal of a 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. On January 26, 1999 the Board approved the addition of the 58.6 acre parcel (2-4)(1-61) owned by R.E. and Mary Mountcastle. When the District was renewed in 2002, the same 58.6 acre R.E. and Mary Mountcastle parcel was withdrawn. In 2006, during the renewal process, 271.51 acres were removed from Barnes Swamp, comprised of the following parcels: (4-1)(5-1), (4-1)(5-2), (4-1)(5-3), (4-1)(5-4), (4-1)(5-5), and (4-3)(1-17). In 2008 1.34 acres was added with (4-3)(1-14A).

The District includes all the land on the previously listed properties with the exception of all land within 25 feet of arterial road rights-of-way. That property has been excluded from the District to allow for possible road and/or drainage improvements.

The Barnes Swamp AFD currently consists of approximately 1,616.1 acres and adjoins the New Kent County border, extending from a point approximately 5,000 feet east of Holly Forks Road west to Diascund Reservoir and south to Richmond Road.

### **ANALYSIS**

The District consists mainly of forested land. Records indicate that approximately 80% of the District is used for forestry purposes and the balance of the District is used for agriculture. All of the land within the District is zoned A-1, General Agricultural. Most of the surrounding land is agricultural in nature, although two parcels located on Fire Tower Road are adjacent to the Stonehouse PUD-R Development. The entire District is located outside the PSA and designated Rural Lands and Conservation Area by the Comprehensive Plan.

### **WITHDRAWALS**

No property owner has requested land be removed from the District during this renewal period.

### **ADDITIONS**

No property owner has requested land be added to the District during this renewal period.

### **CHANGE IN CONDITIONS**

Staff is recommending a revision to Condition #2 to correct language that references the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as well as adding a reference to the Board of Supervisor's policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Inside the Primary Service Area, adopted

September 24, 1996. Staff is also recommending language that references future amendments to those Board policies. The proposed condition is as follows, with proposed corrections and additions underlined:

“No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.”

**STAFF RECOMMENDATION:**

This AFD is consistent with the surrounding zoning and consistent with the goals of the Comprehensive Plan. Staff recommends renewing the Barnes Swamp Agricultural and Forestal District for a period of four years, subject to the following conditions:

1. The subdivision of land is limited to 25 acres or more, except where the Board of Supervisors authorizes smaller lots to be created for residential use by members of the owner’s immediate family, as defined in the James City County Subdivision Ordinance. Parcels of up to five acres, including necessary access roads, may be subdivided for the siting of communications towers and related equipment provided: a.) the subdivision does not result in the total acreage of the District to drop below 200 acres; and b.) the subdivision does not result in a remnant parcel of less than 25 acres.
2. No land outside the Primary Service Area (PSA) and within the Agricultural and Forestal District may be rezoned and no application for such rezoning shall be filed earlier than six months prior to the expiration of the District. Land outside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Outside the Primary Service Area, adopted September 24, 1996, as amended. Land inside the PSA, and within the Agricultural and Forestal District, may be withdrawn from the District in accordance with the Board of Supervisors’ policy pertaining to Withdrawal of Lands from Agricultural and Forestal Districts Within the Primary Service Area, adopted September 24, 1996, as amended.
3. No special use permit shall be issued except for agricultural, forestal, or other activities and uses consistent with the State Code, Section 15.2-4301 et. seq., which are not in conflict with the policies of this District. The Board of Supervisors, at its discretion, may issue special use permits for wireless communications facilities on AFD properties which are in accordance with the County’s policies and ordinances regulating such facilities.

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Kathryn Sipes, Senior Planner

**ATTACHMENTS:**

1. Location Map
2. Unapproved minutes of the AFD Advisory Committee meeting
3. Existing ordinance and conditions, dated July 25, 2006